

of repressing treason against the State of Maryland.

I think that the lessons which are attempted to be taught by the argument of the gentleman from Howard, (Mr. Sands) from the present troubles and distress, and the lamentations of widows and orphans throughout the land, are entirely aside from this question; because from the time of the formation of the first Constitution for the State of Maryland, in 1776, although I contend we have had revolutions, in the true sense of the word, that is, attempts to subvert the State government without regard to the forms provided in the Constitution for its amendment, yet those things have been done peaceably and quietly, with the assent of the existing government, and with the assent, approval and votes of the people of the State. But there never has been from 1776 down to the present time, so far as I have ever heard, any attempts whatever by force of arms, by the levying of war against the State of Maryland, to subvert its Constitution. Now whether it is necessary for the punishment of a crime that has never existed in the State, no instance of which has ever been committed against the State since its organization as a sovereign State—whether it is necessary to provide for the punishment of such a crime that we should go back to the more rigorous and vindictive punishments of the earlier ages, is the question submitted to the consideration of the Convention. I think we better leave the subject where the Constitution of 1850 left it. I am therefore opposed to the amendment now offered, and shall support the article as it now stands in the bill of rights.

MR. BRISCOE. I believe it is a wise rule in legislation, before any change is made in any law, to ascertain and understand what reasons there may be for such a change. And I think that rule applies very forcibly to us, in our action upon the article of the bill of rights now before us for consideration. A proposition is submitted to modify the article which stands now in our Constitution. I think the first question we should ask ourselves is, why was that article incorporated in the bill of rights? It seems to me that the wise men who made that Constitution, as they looked back upon the past history of the world, at the legislation of former governments, came to the conclusion that it was wise and proper in framing the organic law of the State of Maryland, to put a limitation upon the legislative department of that government in this respect. They had read that the exercise of this power of forfeiting estates for a longer period than during life had worked injury, injustice and inhumanity in all governments, and in all past history. And looking at it in that light, they incorporated this article in the bill of rights.

We are now asked by the gentleman who

first made this report, (Mr. Stirling,) without any reason except that assigned just now by the gentleman from Howard, (Mr. Sands,) and which I propose to look into, to untie the hands of the legislative departments of the government, and start out upon a new line of policy for the future. Before that is done, let us ask what reason there is why that should be done. The gentleman from Howard, in a very mild and courteous and gentle manner, in his reply to the gentleman from Charles, (Mr. Edelen,) indicated to the Convention that this change was for the very grave purpose of preventing crime in times to come; that is, the policy and object of incorporating such a provision in the Constitution of Maryland now, was to prevent the hydra head of treason in all time to come from making its appearance within the limits of the State of Maryland. Now, if there had not been manifested behind and within the practical operations of the opinions and doctrines of the gentleman from Howard, so much of inhumanity and injustice, we might have given him credit for that gentle and kind and courteous manner in which he desired to address us. But to my mind, this thing now in contemplation is so abhorrent to every principle of justice, that I cannot see how this Convention, without some very conclusive reasons, can at this day, in opposition to the lessons of history, in opposition to the wisdom of past ages, consent to start out upon this new line of policy.

We have been taught by the experience of all governments, we have been taught by the history of all nations, and the author of the Declaration of Independence, which is now very often quoted as high doctrine and authority, has taught us, I think, that men are more willing to submit even to arbitrary power, to injustice, and to oppressive governments, than thoughtlessly and heedlessly to run into revolution. Jefferson, in laying down the fundamental principles of government, has told us—

“Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”

That is true doctrine. I believe the history of the world in all times, the history of governments in all ages past, have shown that men do not, unless the iron heel of despotism is pressing upon them, resort inconsiderately to the high offence of treason. The argument has been urged by my friends from Charles (Mr. Edelen) and Anne Arundel, (Mr. Miller,) and it is one that is unanswerable, that the imposition of over-violent punishment to check crime has never answered